

**DECISION**



21768  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

118333

FILE: B-206487.2

DATE: May 7, 1982

MATTER OF: Contra Costa Electric

**DIGEST:**

1. Protest against the responsiveness of second low bidder's bid is academic since award was made to the low bidder.
2. Protest that low bid was so low as to "bring it into question" does not constitute basis of protest since GAO has repeatedly held that the submission of a bid which a competitor considers too low does not provide a legal basis for precluding a contract award.

Contra Costa Electric (CCE) protests the bid of Motley Construction, Inc. (Motley), under invitation for bids (IFB) N62474-80-B-C112 issued by the Naval Facilities Engineering Command (NAVFAC). The IFB was for the repair and/or replacement of a 12-KV Electrical Cable/Duct Bank at Marc Island Naval Shipyard, Vallejo, California.

CCE contends that Motley's bid was nonresponsive to the IFB because it failed to conform with the mandatory requirements in the Instructions to Bidders portion of the IFB and because Motley's bid contained an ambiguity as to price.

NAVFAC states that the bids of the three lowest bidders were as follows.

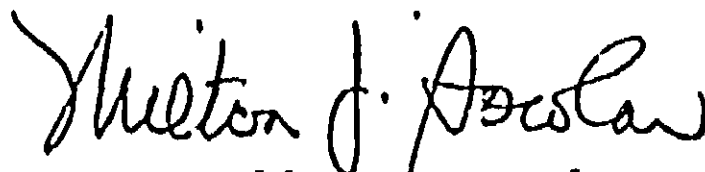
Nor-Cal Engineering	\$ 932,865
Motley	1,184,343
CCE	1,498,000

NAVFAC further states that Nor-Cal Engineering was found to be responsive to the IFB and that Nor-Cal

Engineering was found to be responsible. Accordingly, NAVFAC awarded the contract pending CCE's protest with this Office because it believed CCE's protest was "moot" and because a prompt award was necessary to avoid undue delay in the performance of the contract.

In view of the fact Motley was the second low bidder and that award was made to the low bidder, we find CCE's protest regarding the responsiveness of Motley's bid to be academic. However, in challenging Motley's bid, CCE also makes the statement that Nor-Cal Engineering's bid was so low as to "bring it into question." Nevertheless, we have repeatedly held that the submission of a bid which a competitor considers too low does not constitute a legal basis for precluding a contract award. See Young Patrol Service, B-205014, October 13, 1991, 81-2 CPD 307. Moreover, the rejection of a bid as unrealistically low requires a determination that the bidder is non-responsible. Futronics Industries, Inc., B-185896, March 10, 1976, 76-1 CPD 169. Here, NAVFAC has already made an affirmative determination with respect to Nor-Cal Engineering's responsibility. Consequently, we deny this basis of protest.

CCE's protest is dismissed in part and denied in part.



Acting Comptroller General  
of the United States